

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

EVERYTOWN FOR GUN SAFETY
ACTION FUND, INC.,

Plaintiff,

v.

DEFCAD, INC.; ODYSEE USER
XYEEZYSZN; DEFCAD USER
XYEEZYSZN; ODYSEE USER
THEGATALOG-PRINTABLEMAGAZINES;
THE GATALOG; DEFCAD USER
FREEMAN1337; TWITTER USER
XYEEZYSZN; PHILLIP ROYSTER.

Defendants.

Civil Action No. 21-cv-08704-
PGG

**STIPULATION OF VOLUNTARY DISMISSAL WITH PREJUDICE AND WITHOUT
FEES OR COSTS AS TO EITHER PARTY**

Plaintiff Everytown for Gun Safety Action Fund, Inc. (“Everytown”), and Defendant Defcad, Inc. (“Defcad”) hereby stipulate as follows:

1. Everytown and Defcad have reached a settlement of the above-captioned action, and as a condition of their settlement, the Parties have agreed to the entry of a Stipulated Order.
2. This Court entered the Stipulated Order on March 8, 2023 [DKT. 149].
3. Everytown now agrees to dismiss its claims against Defcad with prejudice.

Therefore, Everytown and Defcad stipulate and agree that, pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), Everytown voluntarily dismisses its claims against Defcad with

prejudice. Everytown and Defcad waive any right to recover attorneys' fees or costs from each other in connection with the above-captioned action upon dismissal.

All parties who have appeared in this action on behalf of Everytown or Defcad have signed this stipulation below, by themselves or through their respective attorneys of record.

Respectfully submitted,

Dated: March 15, 2023

EVERYTOWN FOR GUN SAFETY ACTION
FUND, INC.

By: /s/Marcella Ballard

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*Attorneys for Plaintiff Everytown for Gun Safety
Action Fund, Inc.*

Dated: March 15, 2023

DEFCAD, INC.

By: /s/Daniel Louis Schmutter

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ORDER GRANTING VOLUNTARY DISMISSAL WITH PREJUDICE

Upon stipulation by Plaintiff Everytown for Gun Safety Action Fund, Inc. (“Everytown”), and Defendant Defcad, Inc. (“Defcad”) requesting that Everytown’s claims against Defcad be dismissed with prejudice, and for good cause shown:

IT IS HEREBY ORDERED that all claims against Defcad are dismissed, with prejudice, in connection with the above-captioned action. Each party assumes its own attorneys’ fees and costs.

Dated: _____, 2023

HONORABLE PAUL G. GARDEPHE
UNITED STATES DISTRICT COURT JUDGE